

# **EXHIBIT 3**

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE WILLIAM H. ALSUP

WAYMO, LLC )  
 )  
Plaintiff, )  
 )  
vs. ) No. C 17-00939 WHA  
 )  
UBER TECHNOLOGIES, LLC., OTTO )  
TRUCKING, LLC, and OTTOMOTTO, LLC, )  
 ) San Francisco, California  
Defendants. ) Thursday  
 ) October 26, 2017  
 ) 9:00 a.m.

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**TRANSCRIPT OF PROCEEDINGS**

**APPEARANCES:**

**For Plaintiff:** QUINN, EMANUEL, URQUHART, OLIVER  
& SULLIVAN, LLP  
50 California Street  
22nd Floor  
San Francisco, California 94111  
**BY: CHARLES KRAMER VERHOEVEN, ESQ.**  
**DAVID PERLSON, ESQ.**  
**JORDAN R. JAFFE, ESQ.**  
**MELISSA BAILY, ESQ.**  
**DAVID EISEMAN, ESQ.**

QUINN, EMANUEL, URQUHART, OLIVER  
& SULLIVAN, LLP  
555 Twin Dolphin Drive  
5th Floor.  
Redwood Shores, California 94065  
**BY: ANDREA PALLIOS ROBERTS, ESQ.**  
**MARK TUNG, ESQ.**

(APPEARANCES CONTINUED ON FOLLOWING PAGE)

**Reported By: Debra L. Pas, CSR 11916, CRR, RMR, RPR**

*Official Reporter - US District Court*

*Computerized Transcription By Eclipse*

*Debra L. Pas, CSR, RPR, RMR, CRR*  
*Official Reporter - U.S. District Court - San Francisco*  
*(415) 431-1477*

1           **MS. ROBERTS:** That's correct.

2           **THE COURT:** If they use the 30(b)6 deposition in any  
3 way before the jury, through an expert or directly read in,  
4 then he gets to come back and explain it in your rebuttal case,  
5 but not in your case-in-chief.

6           In other words, you can't use him in your case-in-chief  
7 because he's a new witness. But if they use him as a 30(b)6,  
8 read-in or through the expert, that he's relied upon, then he  
9 gets to come back limited to explaining what the -- the use  
10 that was made of his testimony by the Defense. But that would  
11 only occur in your rebuttal case.

12           Now, what do you say to that?

13           **MS. ROBERTS:** Well, your Honor, I think since --  
14 since they deposed him, their approach to preparing to cross  
15 examine him at trial would be no different than their approach  
16 to cross examining everybody else because they have his  
17 deposition.

18           **THE COURT:** Yeah, but under that theory that  
19 everybody who got deposed in the case then is open season.  
20 Anybody can -- can just automatically add them to their trial  
21 list, right? Everybody who was deposed.

22           **MS. ROBERTS:** Fair enough, your Honor. There is just  
23 one witness, and I think this falls into the category that  
24 Mr. Jacobs raised, where sometimes parties negotiate for some  
25 additions after they file their pretrial order.

CERTIFICATE OF OFFICIAL REPORTER

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

*Debra L. Pas*

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Debra L. Pas, CSR 11916, CRR, RMR, RPR

Thursday, October 26, 2017